

Update: Juvenile Justice Benchbook (Revised Edition)

CHAPTER 7

Pretrial Proceedings in Delinquency Cases

7.6 Selected Search and Seizure Issues

Strip and body cavity searches.

Near the middle of page 159, immediately before Section 7.7, insert the following text:

In *Reynolds v City of Anchorage*, ___ F3d ___, ___ (CA 6, 2004), the U.S. Court of Appeals for the Sixth Circuit, quoting *Bell v Wolfish*, 441 US 520, 559 (1979), held:

“[T]he determination of the reasonableness under the Fourth Amendment of a strip search of a juvenile delinquent in a detention facility requires us to balance ‘the need for the particular search against the invasion of personal rights that the search entails.’ *Wolfish*, 441 U.S. at 559.”

In *Reynolds*, the police arrived at a juvenile detention facility following a report that some of the girls were “acting strangely” and “might be under the influence of drugs and might have drugs in their possession.” *Reynolds, supra*, ___ F3d at ___. The officers conducted a search of the girls’ rooms and found items that the officers “believed to be associated with drug use.” *Reynolds, supra*, ___ F3d at ___. One of the juvenile girls, Reynolds, insinuated to the staff members and the officers that she might have drugs hidden in her undergarments. Based upon the officers’ findings and Reynold’s insinuation, a female officer conducted a strip search of Reynolds. In determining that this search did not violate Reynolds’ Fourth Amendment rights, the Court stated:

“Applying this balancing approach, we conclude that Officer Watson’s strip search of Reynolds was not unreasonable. In so concluding, we apply *Wolfish*’s admonition to ‘consider the scope of the particular intrusion, the manner in which it [was] conducted, the justification for initiating it, and the place in which it [was]

conducted.’ *Id. Wolfish* also pointed out that a ‘detention facility is a unique place fraught with serious security dangers. Smuggling of money, drugs, weapons, and other contraband is all too common an occurrence.’ *Id.* The Bellewood Home also was ‘a unique place fraught with’ a variety of problems and dangers, including the use of drugs by its residents. . . .

* * *

“Although the strip search was a highly invasive procedure, it was no more invasive than necessary to accomplish its purpose of insuring that Reynolds and the other girls were not concealing drugs on their persons. It was conducted in a way designed to minimize its intrusive effect. Officer Watson made the search in the privacy of the girls’ own rooms and in the presence of only a single staff member. She did not touch any of the girls during the search. Considering all the circumstances, we conclude that Officer Watson’s strip search of Reynolds was not unreasonable.” *Reynolds, supra*, ___ F3d at ___.

The Court also indicated that balancing the need for the particular search against the invasions of personal rights that the search entails is not dependent on the identity of the person conducting the search. The Court indicated that this same strip search would have been reasonable if it had been conducted by the staff of the juvenile detention center. The Court stated:

“We see no valid reason why the result should be different because it was a police officer who conducted the search. In either instance, the purpose and objective of the search was the same: to help the [juvenile detention center] determine whether the girls possessed drugs, and thus to aid the [juvenile detention center] in uncovering what the facts suggested may have been the illegal use of drugs by some of the residents.” *Reynolds, supra*, ___ F3d at ___.